

United States Bankruptcy Court
Middle District of Alabama

In re **David Gress**
Lucille Gress

Debtor(s)

Case No.

Chapter **13**

CHAPTER 13 PLAN

Check If Amended Plan ☐

CREDITOR'S RIGHTS WILL BE AFFECTED BY THIS PLAN. You should read this and other documents sent to you carefully and discuss them with your attorney.

TO FILE AN OBJECTION TO CONFIRMATION. An Objection to Confirmation must be filed not later than seven (7) days prior to the date fixed for the Confirmation hearing and must state with particularity the grounds for the objection. See LBR 3015-2, which can be found at www.almb.uscourts.gov/lrules/index.htm, and must state with particularity the grounds for the objection.

PROOFS OF CLAIM. Creditors must file a proof of claim to be paid. Confirmation of this plan does not bar the debtor, Trustee or a party in interest from objecting to a claim.

1. PAYMENT AND LENGTH OF PLAN

Debtor(s) shall pay **\$865.00 Monthly for 54 months** per month to the Chapter 13 Trustee beginning ____.

The length of the plan is **54** months.

2. FILING FEES

The Filing Fee as prescribed by LBR 1006-1 shall be paid as follows:

- ☐ Filing Fee paid in full directly to the Clerk of Court with the petition.
- ☐ Filing Fee is being paid in installments pursuant to LBR 1006-1 directly to the Clerk of Court.
- ☒ Filing Fee is being paid in installments pursuant to LBR 1006-1 through the debtor's Chapter 13 plan as follows:
- | | |
|---|-----------------|
| Total Filing Fee: | \$310.00 |
| Initial Installment paid with filing of petition: | \$50.00 |
| Remaining Balance to be paid through Chapter 13 plan: | \$260.00 |

3. ATTORNEY'S FEES FOR DEBTOR(S)' BANKRUPTCY COUNSEL

The following attorney's fees shall be paid through the debtor's plan payments:

Total attorney fee	\$3,000.00
Amount paid by the debtor prior to filing directly to attorney	\$0.00
Net Attorney fee being paid through the Chapter 13 plan disbursements	\$3,000.00

4. SECURED CLAIMS PAID THROUGH THE PLAN

The Debtor proposes that the Trustee make adequate protection payments prior to the confirmation of this Plan, pursuant to § 1326(a)(1) to the following creditors indicated below holding a purchase money security interest in personal property. Only those creditors entitled to § 1326(a)(1) adequate protection payments will receive pre-confirmation payments through the debtor's payments to the Trustee. The Trustee shall commence making such payments to creditors holding allowed claims secured by an interest in personal property consistent with the Trustee's distribution process and only after the timely filing of a proof of claim by such creditor. The Trustee shall receive the percentage fee fixed under 28 U.S.C. § 586(e) on all adequate protection payments. Pre-confirmation adequate protection payments shall be applied to the principal of the creditor's claim. Upon confirmation of this plan all secured creditors will receive adequate protection payments as set out below along with the payment of the debtor's attorney's fees. At such time as the debtor's attorney's fees have been paid in full, the creditor's claim shall be paid its specified monthly plan payments on the terms and conditions listed below as required under § 1325(a)(5).

Creditor	Collateral Description	910/365 Claim? Yes/No	Amount of Debt	Collateral Value	Interest Rate	§1326 PMSI Adeq Prot? Yes/No	Adeq Prot Pymt	Specified Monthly Payment
ACCEPTANCE LOAN	Lawn Mower	No	\$2,868.00	\$1,000.00	5.00%	Yes	10.00	\$21.00

Creditor	Collateral Description	910/365 Claim? Yes/No	Amount of Debt	Collateral Value	Interest Rate	§1326 PMSI Adeq Prot? Yes/No	Adeq Prot Pymt	Specified Monthly Payment
CHASE BANK	2016 FORD FIESTA 12000 miles	Yes	\$11,436.00	\$11,436.00	0.00%	No	0.00	\$212.00
MAX CREDIT UNION	2014 FORD ESCAPE 10000 miles	Yes	\$25,495.00	\$25,195.00	4.75%	Yes	250.00	\$522.00

5. LONG TERM DEBTS MAINTAINED THROUGH THE PLAN

The Debtor proposes that the Trustee maintain the following long term debts through the plan. The Trustee shall make payments prior to confirmation of this Plan, to all of the following long term creditors indicated below. The Trustee shall commence making such payments to creditors holding allowed secured claims consistent with the Trustee's distribution process and only after the timely filing of a proof of claim by such creditor. The Trustee shall receive the percentage fee fixed under 28 U.S.C. § 586(e) on all payments. Upon confirmation of this plan said long term creditors will receive payments as set out below along with the payment of the debtor's attorney's fees.

Creditor	Collateral Description	Amount of Debt	Collateral Value	Monthly Payment
-NONE-				

6. SURRENDERED PROPERTY

Debtor surrenders the following collateral. Upon confirmation, the automatic stay (including the co-debtor stay) is lifted as to surrendered collateral. Any claim submitted by such creditor will receive no distribution under this Plan until an amended proof of claim is filed by such creditor, reflecting any deficiency balance remaining following surrender.

Creditor	Collateral Description	Amount of Debt	Value of Collateral
-NONE-			

7. CURING DEFAULTS

Pursuant to § 1322(b)(5) the debtor shall cure defaults with respect to the following creditors indicated below. Trustee shall pay the allowed claims for arrearages at 100% through this Plan. The amount of default to be cured under this provision shall be the amount of the allowed claim filed by the creditor. The "amount of arrearage" listed herein is an estimate, and in no way shall this estimate limit what the Trustee shall distribute to said creditor under this plan to cure the default.

Creditor	Collateral Description	Amount of Arrearage	Interest Rate	Monthly Payment
-NONE-				

8. DIRECT PAYMENTS

The following secured creditors or holders of long-term debt will be paid directly by the debtor to the creditor. The debtor shall make all § 1326 pre-confirmation adequate protection payments directly to the following creditors pursuant to the terms of the contract with the creditor. The debtor shall continue to make all payments to the creditor directly pursuant to the terms of the contract following the confirmation of the debtor's plan.

Creditor	Collateral Description	Amount of Debt	Value of Collateral	Date Payment to Resume	Direct Pymt Amount
Quicken Loans	69 country club drive Luverne, AL 36049 Crenshaw County	\$138,409.00	\$0.00		\$975.00

9. DOMESTIC SUPPORT OBLIGATIONS

The Debtor proposes that prepetition Domestic Support Obligation arrearage claims indicated below shall be paid in full through this plan pursuant to § 507(a)(1) unless the claimant agrees to some other treatment or the Court orders otherwise. The Debtor shall directly pay all ongoing Domestic Support Obligations that become due after filing of the petition.

Creditor	Total Arrearage	Specified Monthly Payment
-NONE-		

The Debtor shall directly pay all ongoing Domestic Support Obligations that become due after filing of the petition.

10. PRIORITY CLAIMS (Excluding Domestic Support Obligations)

The Debtor will pay all priority claims pursuant to § 507 unless claimant expressly agrees otherwise including the following:

Claimant	Type of Priority	Scheduled Amount	Monthly Payment
-NONE-			

11. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Executory contracts and/or leases receive the following designated treatment. For all executory contracts or unexpired leases being assumed by the debtor pursuant to this plan, the debtor shall make all pre-confirmation § 1326 adequate protection payments directly to the Lessors pursuant to the terms of the contract. For all contracts assumed, the debtor shall continue to make all payments directly to the creditor pursuant to the terms of the contract following the confirmation of the debtor's plan.

Creditor	Collateral Description	Reject	Assume
-NONE-			

12. SPECIALLY CLASSIFIED UNSECURED CLAIMS

The following claims shall be paid as specially classified unsecured claims and shall receive the following designated treatment:

Creditor	Amount of Debt Specially Classified	Interest Rate	Specified Monthly Payment
-NONE-			

13. UNSECURED CLAIMS

Allowed non-priority unsecured claims shall be paid through the distribution of the debtor's chapter 13 plan at a rate of 0 %, or pro rata participation in a "POT" Plan of \$___ for the benefit of unsecured creditors, or until all allowed claims are paid in full. If this proposed dividend to unsecured creditors is less than 100%, debtors propose to pay to the Trustee all projected disposable income for the applicable commitment period for the benefit of unsecured creditors as required by § 1325(b).

14. OTHER PLAN PROVISIONS

(a) **Lien Retention:** Allowed secured claim holders shall retain liens until liens are released or upon completion of all payments under this plan.

(b) **Vesting of Property of the Estate:**

☒ Property of the Estate shall revert in the Debtor(s) upon confirmation of the debtor's plan.

☐ Property of the Estate shall remain property of the estate subsequent to confirmation of this plan.

All property of the Estate whether it remains in the estate or reverts with the debtor upon confirmation of the plan shall remain in the debtor's possession and control. The debtor shall have use of property of the estate, subject to the requirements of § 363 of the Bankruptcy Code.

(c) **Direct Payment by Debtor:** Secured creditors and lessors to be paid directly by the Debtor(s) may continue to mail to Debtor(s) the customary monthly notices or coupons notwithstanding the automatic stay.

(d) Other Provisions of the Plan Not Elsewhere Described:

Date May 24, 2017

Signature /s/ David Gress
David Gress
Debtor

Date May 24, 2017

Signature /s/ Lucille Gress
Lucille Gress
Joint Debtor

Attorney /s/ Richard D. Shinbaum
Richard D. Shinbaum ASB-8638-B54R

United States Bankruptcy Court
Middle District of Alabama

In re:
David Gress
Lucille Gress
Debtors

Case No. 17-31460-DHW
Chapter 13

CERTIFICATE OF NOTICE

District/off: 1127-2

User: rwalker
Form ID: pdf13pln

Page 1 of 1
Total Noticed: 21

Date Rcvd: May 25, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 27, 2017.

db/jdb
3773601 +David Gress, Lucille Gress, 69 Country Club Drive, Luverne, AL 36049-6814
3773602 +BARCLAYS BANK OF DELAWARE, P.O. BOX 8803, Wilmington, DE 19899-8803
+CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
(address filed with court: CAPITAL ONE BANK USA, P.O. BOX 85015, Richmond, VA 23285)
3773605 +COMENITY CAPITAL/BLA, P.O. BOX 182120, Columbus, OH 43218-2120
3773606 ELASTIC FINANCE/REPUBLIC BANK, 4030 SMITH ROAD, Louisville, KY 40295
3773597 EQUIFAX INFORMATION SERVICES LLC, P.O. BOX 740241, Atlanta, GA 30374-0241
3773599 EXPERION, P.O. BOX 9701, Allen, TX 75013-9701
3773607 Elastic Republic Bank, 4030 SMITH RD, Louisville, KY 40295
3773608 +FIRST PREMIER, 3820 N LOUISE AVE, P O Box 5519, Sioux Falls, SD 57117-5519
3773610 +MAX CREDIT UNION, 400 EASTDALE CIR, Montgomery, AL 36117-2117
3773612 +PERSONIFY FINANCE, 11956 BERNARDO PLAZA DRIVE SUITE #144, San Diego, CA 92128-2538
3773614 SECURITY FINANCE, 111 3 NOTCH RD, Troy, AL 36081
3773615 +SECURITY FINANCE, 1114B HWY 231 S, Troy, AL 36081-3002
3773598 TRANSUNION CONSUMER SOLUTIONS, P.O. BOX 2000, CHESTER, PA 19022-2000

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

3773600 +E-mail/Text: bpage@acceptanceloan.com May 25 2017 20:28:06 ACCEPTANCE LOAN,
3976 B GOVERNMENT BLVD, Mobile, AL 36693-4723
3773603 +E-mail/Text: opsqa_usbankruptcy@cashnetusa.com May 25 2017 20:27:36 CASHNETUSA.COM,
175 W. JACKSON BLVD.Suite 1000, Chicago, IL 60604-2863
3773604 +E-mail/Text: bk.notifications@jpmchase.com May 25 2017 20:27:46 CHASE BANK,
2000 MARCUS AVE, New Hyde Park, NY 11042-1069
3773609 +E-mail/Text: bk@lendingclub.com May 25 2017 20:28:01 LENDING CLUB, 71 STEVENSON SUITE 300,
San Francisco, CA 94105-2985
3773611 +E-mail/Text: bkr@cardworks.com May 25 2017 20:27:33 Merrick Bank, P.O. Box 9201,
Old Bethpage, NY 11804-9001
3773613 +E-mail/Text: bankruptcyteam@quickenloans.com May 25 2017 20:27:58 Quicken Loans,
1050 woodard ave, Detroit, MI 48226-1906
3773616 +E-mail/PDF: gecsed@recoverycorp.com May 25 2017 20:24:36 SYNCB/WALMART,
4125 WINWARD PLAZA, Alpharetta, GA 30005-8738

TOTAL: 7

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 27, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 24, 2017 at the address(es) listed below:
Bankruptcy Administrator ba@almb.uscourts.gov
Richard D. Shinbaum on behalf of Joint Debtor Lucille Gress rshinbaum@smclegal.com,
scarter@smclegal.com;cth Thornton@smclegal.com
Richard D. Shinbaum on behalf of Debtor David Gress rshinbaum@smclegal.com,
scarter@smclegal.com;cth Thornton@smclegal.com

TOTAL: 3